

REMARKS

Applicant has amended claims 1, 4, 12, 13, 56, 57, 59, 60, 62, 65-69, 77, 84, 87, 92, and 93 as set forth above. No new matter has been added by way of these amendments. Applicant notes with great appreciation the time and assistance provided by Examiner Freshteh N. Aghdam and Supervisory Patent Examiner Chieh M, Fan during the personal interview conducted on Wednesday February 25, 2009, during which the outstanding rejections were discussed. In accordance with those discussions which are summarized herein, an agreement was reached that the amendments to the claims set forth above would overcome the outstanding rejections. Accordingly, in view of these amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 56-60, 62, 65-68, 101-109, and 116-124 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Office asserts these claim contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Office asserts claims 56-60, 62, 65-68, 71, 101-109, and 116-124 claim time scaling is applied to the doublet but on the contrary, according to the disclosure of the invention, the time scaling is applied to one of the pair of matched base signals (Fig. 2 and 5). Additionally, the Office most recently asserts the passages cited by the Applicant are directed to summary of the invention in the patent application that only repeats (is the carbon copy of) the claimed subject matter in the recited claims and therefore the rejection is maintained. During the interview, Examiner Freshteh N. Aghdam clarified her rejection to the above-identified claims and Applicant has amended the claims above in accordance with the agreement reached during the interview. Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this rejection.

The Office has rejected claims 1-2, 5-6, 8-9, 15-16, 18-19, 69-73, 77, 79-80, 84, 88, 92, 95, 99-100, 110-113, 114-115, and 125-128 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,178,317 to Kroeger et al (Kroeger), claims 7, 17, 74, 81, 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroeger and further in view of what the Office asserts is instant application's disclosed prior art, claims 3, 14, 78, 86, 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroeger and further in

view of US Patent Application Publication No. 2004/0260415 to Weiss (Weiss). In accordance with the agreement reached during the interview with Examiner Freshteh N. Aghdam and Supervisory Patent Examiner Chieh M, Fan, Applicant has amended claims 1, 4, 12, 13, 56, 57, 59, 60, 62, 65-69, 77, 84, 87, 92, and 93 as set forth above which are now neither taught nor suggested by the cited prior art of record. Accordingly, in view of the foregoing remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1, 4, 12, 13, 56, 57, 59, 60, 62, 65-69, 77, 84, 87, 92, and 93. Since claims 2-3, 5-11 depend from and contain the limitations of claim 1, claims 14-21 depend from and contain the limitations of claim 12, claim 58 depends from and contains the limitations of claim 56, claims 70-76 depend from and contain the limitations of claim 69, claims 78-83 depend from and contain the limitations of claim 77, claims 85-86 and 88-91 depend from and contain the limitations of claim 84, and claims 94-98 depend from and contain the limitations of claim 92, they are distinguishable over the cited references and patentable in the same manner as claims 1, 4, 12, 13, 56, 57, 59, 60, 62, 65-69, 77, 84, 87, 92, and 93.

The Office has objected to claims 10-11, 20-21, 75-76, 82-83, 90-91, and 97-98 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing remarks, no further amendment of these claims is believed to be necessary and these claims are believed to be in condition for allowance.

In view of all of the foregoing, Applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: February 27, 2009

/Gunnar G. Leinberg/
Gunnar G. Leinberg
Registration No. 35,584

NIXON PEABODY LLP
1100 Clinton Square
Rochester, New York 14604
Telephone: (585) 263-1014
Facsimile: (585) 263-1600